

FILED

DEC 14 2017

Clerk, U S District Court
District Of Montana
Billings

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA**

Petition for Warrant for Offender Under Supervision

Name of Offender: Matthew Russell Campbell

Docket Number: 0977 1:10CR00127-001

Name of Sentencing Judicial Officer: THE HONORABLE RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 10/11/2011

Original Offense: 18:1958-7471.F; RACKETEERING - MURDER

Original Sentence: 60 months custody, 36 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/17/2015

Assistant U.S. Attorney: Paulette Stewart
901 Front St, Suite 1100, Helena, MT 59626, (406) 457-5120

Defense Attorney: Dave Merchant
Federal Defenders Office, 2702 Montana Ave, Suite 101, Billings, MT 59101, (406) 259-2459

PETITIONING THE COURT

Background

On 10/11/2011, the defendant appeared for sentencing before THE HONORABLE RICHARD F. CEBULL, UNITED STATES DISTRICT JUDGE, having pled guilty to the offenses of 18:1958-7471.F; RACKETEERING - MURDER. The offense involved the defendant telling an FBI undercover agent he wanted to hire the agent to kill his mother. The defendant was sentenced to 60 months custody, followed by 36 months supervised release. The defendant began the current term of supervised release on 03/17/2015.

On 10/06/2016, a Report on Offender Under Supervision was submitted to the Court, outlining numerous violations: failure to notify USPO of change of address, use of alcohol, associating with a felon, failure to report for random testing, and failure to attend substance abuse treatment. The defendant was subject to increased testing; his travel was restricted to Yellowstone County for six months and he was instructed to participate in individual treatment focused on thinking errors, communication, and relationships. The Court approved of the officer's recommendation and no formal action was taken.

On 09/28/2017, a Petition for Warrant on Offender Under Supervision was submitted to the Court, outlining (18) violations. The defendant was scheduled to receive a chemical dependency evaluation on 10/04/2017 to address his substance abuse. The Court recommended the defendant be afforded the opportunity to attend treatment and the Warrant was not signed. The defendant started Enhanced Outpatient Treatment on 11/06/2017.

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~~Since that time,~~ The probation officer believes the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--|
| 1 | <p>Mandatory condition: You must not commit another federal, state, or local crime.</p> <p>On 05/06/2015, the defendant was cited for operating a motor vehicle with expired registration.</p> |
| 2 | <p>Standard condition: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.</p> <p>On 06/17/2015, the defendant quit his job at Staley's Tire in Billings, Montana, and attempted to start employment at Tire Rama without giving USPO Tanya Wilson prior notice.</p> |
| 3 | <p>Special condition: The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. This condition supersedes standard condition number 7 with respect to alcohol consumption only.</p> <p>On 08/01/2015, the defendant admitted to consuming alcohol and signed an admission form stating he drank on 07/26/2015.</p> |
| 4 | <p>Special condition: The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. This condition supersedes standard condition number 7 with respect to alcohol consumption only.</p> <p>On 08/01/2015, the defendant tested positive for alcohol and signed an admission form. The defendant admitted to drinking on 07/31/2015</p> |
| 5 | <p>Standard condition: The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.</p> <p>On 10/26/2015, the defendant admitted he had been associating with Joseph Hawley, a convicted felon on Federal supervision. The defendant's girlfriend confirmed they were associating two weeks prior.</p> |
| 6 | <p>Special condition: The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.</p> |

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On 11/12/2015, the defendant failed to report to Alternatives for a random urinalysis and failed to provide a valid reason why he missed the test.

- 7 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 03/14/2016, the defendant tested positive for marijuana and signed an admission form stating he smoked some marijuana on 03/11/2016. The sample was sent to the laboratory and confirmed positive for marijuana on 03/16/2016

- 8 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 04/25/2016, the defendant tested positive for marijuana and signed an admission form stating he smoked some marijuana on 04/21/2016. The sample was sent to the laboratory and confirmed positive for marijuana on 04/28/2016.

- 9 **Special condition:** The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

On 05/31/2016, the defendant failed to show for a substance abuse appointment at Alternatives. The defendant failed to provide a valid reason for missing the appointment.

- 10 **Special condition:** The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

On 06/14/2016, the defendant failed to show for a substance abuse appointment at Alternatives. The defendant failed to provide a valid reason for missing the appointment.

- 11 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

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On 09/24/2016, the defendant failed to report to Alternatives for a random urinalysis and failed to provide a valid reason why he missed the test

- 12 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 11/07/2016, the defendant provided a urine sample at Alternatives Inc. that tested presumptive positive for opiates. The specimen was marked as dilute by the National Testing Laboratory.

- 13 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 11/23/2016, a sweat patch was applied on the defendant. The sweat patch tested positive for cocaine and THC. The defendant signed an admission of use form on 12/13/2016, stating he snorted cocaine.

- 14 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 12/13/2016, the defendant provided a presumptive positive urine specimen at the United States Probation Office for alcohol. The defendant signed an admission of use form stating he consumed a 25 oz. can of beer after work on 12/10/2016.

- 15 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 05/23/2017, the defendant reported for random testing at Alternatives Inc. The specimen was sent to the National Testing Laboratory for confirmation and was found not consistent with normal human urine.

- 16 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

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On 09/14/2017, the defendant reported to Alternatives Inc. for random testing and attempted to avoid detection by utilizing a "wizanator". On 09/15/2017, the defendant signed an admission form admitting his attempt to avoid detection.

- 17 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 09/15/2017, the defendant signed an admission of use form stating he smoked a marijuana cigarette on 09/12/2017.

- 18 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 09/15/2017, the defendant signed an admission of use form stating he snorted cocaine on 09/14/2017.

- 19 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 09/26/2017, the defendant reported to Alternatives Inc. for random testing. The specimen was sent to the laboratory and confirmed positive for THC.

- 20 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 10/25/2017, the defendant reported to Alternatives Inc. for random testing. The specimen was sent to the laboratory and determined to be a dilute specimen.

- 21 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

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On 12/02/2017, the defendant failed to report for random testing at Alternatives Inc.

22 **Mandatory condition:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

On 12/06/2017, the defendant reported to the probation office to discuss his failure to report for testing on 12/02/2017. The defendant signed an admission of use form stating he snorted cocaine on 12/02/2017.

23 **Special condition:** The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

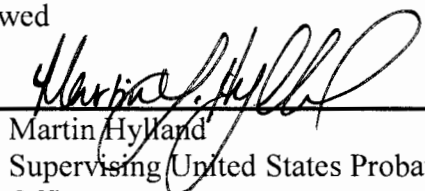
On 12/13/2017, the defendant failed to appear for a scheduled treatment appointment at Alternatives Inc.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

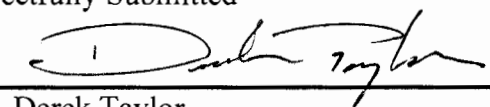
By:


Martin Hyland
Supervising United States Probation
Officer

Date: 12/13/2017

Respectfully Submitted

By:


Derek Taylor
United States Probation Officer

Date: 12/13/2017

ORDER OF COURT

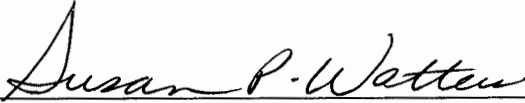
I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 14th day of December, 2017, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

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IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Susan P Watters

United States District Judge

12-14-2017

Date